



**SINGLE BENCH**

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

Civil Revision No. 61 /2005

**APPLICANT** : ✓ The New India Assurance Company Ltd.,  
Defendant No.3 Bhilai, Durg, through its Branch  
Manager, Bilaspur (C.G.).

-Versus -

**RESPONDENT** : 1. Shri Lankesh Kumar Bais, 24 years,  
Claimant S/o Shri Chaitram,  
R/o Village - Tuta, Tahsil and  
District- Raipur (C.G.)

**RESPONDENT** : 2. Shri Sri Ram Rajput, 30 years,  
Defendant No.1 S/o Shri Damo Rajput.

**RESPONDENT** : 3. Shri Damo Rajput, 50 years,  
Defendant No.2 S/o Shri Shukra Rajput.  
Both R/o Railway Colony, Mandir  
Hasaud, Tahsil & District-Raipur (C.G.).

P.R. No.....

Presented.....

dated.....

**CIVIL REVISION UNDER SECTION 115 OF THE CIVIL PROCEDURE  
CODE**

आदेश पत्रक  
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..... विरुद्ध .....

| आदेश का<br>दिनांक आदेश<br>क्रमांक सहित | आदेश हस्ताक्षर सहित                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
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|                                        | <p><b><u>13-6-2005</u></b></p> <p>Mr. Prashant Jayaswal, Senior Advocate with Mr. Vinay Pandey, counsel for the Applicant The New India Assurance Company Ltd. in Civil Revision Nos.61/2005, 63/2005 and 64/2005.</p> <p>None for the respondents.</p> <p>Additional Motor Accidents Claims Tribunal, Dhamtari, by a common award dated 10-2-2005, decided the Claim Cases No.454/2004, 455/2004 and 457/2004, and awarded Rs.2,000/- compensation in Claim Case No.454/2004, Rs.3,000/- in Claim Case No.455/2004 and Rs.3,500/- in Claim Case No.457/2004 to respective claimants against the Applicant The New India Assurance Company Ltd. and others, and being aggrieved by that award, Civil Revision Nos.61/2005, 63/2005 and 64/2005 have been preferred by the applicant. Therefore, all these revisions are heard analogously on admission as well as on all pending Interlocutory Applications and Miscellaneous (Civil) Petitions.</p> <p>After due consideration, I.A. Nos.1317/2005, 1430/2005 and 1431/2005, for exemption from filing certified copy of the impugned award dated 10-2-2005, are allowed.</p> <p>The applicant contended that, vide impugned award, the Claims Tribunal allowed compensation less than Rs.10,000/- and appeal under the Motor Vehicles Act, 1988 is barred,</p> |                                                           |

(पीछे देखिये)

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| आदेश का<br>दिनांक आदेश<br>क्रमांक सहित | आदेश हस्ताक्षर सहित                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
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|                                        | <p>therefore, they have preferred these revisions under Section 115 of the Code of Civil Procedure, 1908 against the award. The relative part of Section 115(1) of the Code of Civil Procedure, 1908 reads as below : -</p> <p><b>115. Revision.</b> - (1) "The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears - xxx xxx xx"</p> <p>Subordination of Courts has been defined under Section 3 of the Code of Civil Procedure, 1908, which reads as below : -</p> <p><b>3. Subordination of Courts.</b> - "For the purposes of this Code, the District Court is subordinate to the High Court, and every Civil Court of a grade inferior to that of a District Court and every Court of Small Causes is subordinate to the High Court and District Court."</p> <p>Bare reading of both the above provisions unveils that, the High Court can exercise revisional jurisdiction under Section 115 of the Code of Civil Procedure, 1908 only when the order under challenge has been passed by Civil Court or Court of Small Causes.</p> |                                                           |

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| आदेश का<br>दिनांक आदेश<br>पत्रक सहित | आदेश हस्ताक्षर सहित                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
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|                                      | <p>Claims Tribunals have been constituted by the State Government exercising powers conferred on them under Section 165 of the Motor Vehicles Act, 1988. Chapter XII of the Motor Vehicles Act, 1988 also describes the procedure to be followed by the Claims Tribunals and also provides the provisions for appeal against the award passed by Claims Tribunals. Neither the Claims Tribunals have been declared Civil Courts under any of the provisions of the Motor Vehicles Act, 1988 nor the said Act empowers the High Court to exercise jurisdiction under Section 115 of the Code of Civil Procedure, 1908 against the award passed by any of the Motor Accidents Claims Tribunals. Even the State Government, empowered to make rules, although have framed rules, did not make Section 115 of the Code of Civil Procedure, 1908 applicable to any award passed by a Claims Tribunal, and only provisions of the Code of Civil Procedure, 1908, applicable to Motor Accidents Claims Tribunals, have been described in Rule 240 of the M.P. Motor Vehicles Rules, 1994. Rule 240 of the said Rules reads as below : -</p> <p><b><u>240. Procedure to be followed by Claims Tribunal in holding enquiries.</u></b> - "Applications of certain provisions of Code of Civil Procedure, 1908; Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), namely, those contained in Order V, Rules 9 to 13 and 15 to 20, Order IX, Order XVIII, Rules 3 to 10, Order XVI,</p> |                                                           |

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|                                       | <p>Rules 2 to 21, Order XVII, Order XXI and Order XXIII, Rules 1 to 3 shall apply to proceedings before a Claims Tribunal in so far as they may be applicable thereto."</p> <p>Appeal against award below Rs.10,000/- passed by a Motor Accidents Claims Tribunal is barred, but under the Motor Vehicles Act, 1988 or Rules, 1994 framed thereunder, neither power of revision against such award has been conferred on High Court nor the said provision has been made applicable to claim cases. Motor Accidents Claims Tribunals have been established under specific provisions of the Motor Vehicles Act, 1988 and the said Tribunals have not been declared as Courts subordinate to the High Court for the purposes of Section 115 of the Code of Civil Procedure, 1908, and according to Section 3 of the Code of Civil Procedure, 1908, the said Tribunals do not come within the edifice of Courts for the purposes of the Code of Civil Procedure, 1908.</p> <p>From the aforesaid discussions, it is held that, the Motor Accidents Claims Tribunals are not Courts subordinate to the High Court for the purposes of Section 115 of the Code of Civil Procedure, 1908, therefore, the impugned award, passed by the Tribunal, though not appealable, will not be amenable to the revisional jurisdiction under Section 115 of the Code of Civil Procedure, 1908.</p> |                                                           |

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|                                        | <p>Accordingly, the revisions are not tenable, hence they are dismissed <i>in limine</i>. The applicant, if advised, may take appropriate remedy available under the law.</p> <p>In the light of above order, all the pending Interlocutory Applications for urgent hearing and Miscellaneous (Civil) Petitions for grant of stay stand disposed of.</p> | <p>Sd/-<br/>V.K. Shrivastava<br/>Judge</p> <p>17/1/05</p> |

G. Singh

17/1/05